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Act and forbid discrimination, with a proviso that nothing in the Act should prevent telegraph companies from entering into contracts with common carriers for the exchange of services. Thereafter the telegraph company refused to convey "off-line" messages at less than its rates to the general public. The plaintiff sought to compel the defendant to perform its contract. *Held*, that the contract was invalid as to "off-line service" at less than the rates to the public. *Chicago G. W. R. R. Co. v. Postal Telegraph Cable Co.* (1917, N. D. Ill.) 245 Fed. 592.

The opinion contains a careful review of the legislation and authorities bearing on the point. A contrary ruling was made in *Baltimore & Ohio R. R. Co. v. Western U. T. Co.* (1917, S. D., N. Y.) 241 Fed. 162,—a decision which is said in the principal case to have been affirmed by the Circuit Court of Appeals for the Second District.

**TORTS—LABOR UNIONS—INJUNCTION AGAINST ATTEMPTING TO UNIONIZE MINE BY PEACEFUL MEANS.**—The plaintiff, owner of a coal mine in West Virginia, asked an injunction to restrain the officers and agents of the United Mine Workers of America from taking steps to "unionize" the plaintiff's mine without its consent. The employees of the plaintiff were working under contracts permitting them to withdraw from the plaintiff's employ at any time, and on the understanding that if they joined the United Mine Workers they were to cease working for the plaintiff. The acts of the officers and agents of the union consisted in: (1) peacefully urging the plaintiff's employees to join or to agree to join the union; (2) getting those who agreed to join, but who had not formally joined, to remain at work and to conceal the fact that they had agreed to join; (3) certain acts described by the court as going beyond "mere persuasion" and amounting to "deception and abuse," "misrepresentation, deceptive statements, and threats of pecuniary loss," but not including intimidation or threats of physical injury. The jurisdiction of the federal court depended entirely upon diversity of citizenship. *Held*, that the acts of the defendants were illegal under the common law of West Virginia and should be enjoined. Brandeis, Holmes and Clarke, JJ., *dissenting*. *Hitchman Coal & Coke Co. v. Mitchell* (1917) 38 Sup. Ct. 65.

The decision reverses that of the United States Circuit Court of Appeals, reported in 214 Fed. 685, and with slight modifications restores that of the District Court, reported in 202 Fed. 512. A discussion of this case will appear next month.

**WORKMEN'S COMPENSATION ACT—INJURY AGGRAVATING PREVIOUSLY EXISTING DISEASE.**—The claimant broke his leg bone while engaged in a hazardous occupation in the employ of the defendant. He was previously afflicted with congenital syphilis, and the accident so aggravated the disease that he became totally blind. *Held*, that the claimant was not entitled to compensation for permanent total disability due to loss of eyesight, but only to compensation for the period during which the leg was disabled. *Borgsted v. Shults Bread Co.* (1917, App. Div.) 167 N. Y. Supp. 647.

Two judges dissented, in spite of the statement of Woodward, J., for the majority that "the purpose of the Workmen's Compensation Law was not to abrogate the divine law that the 'sins of the fathers shall be visited upon the sons, even to the third and fourth generation.'"

**WORKMEN'S COMPENSATION ACT—INJURIES "ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT"—EMPLOYEE INJURED WHILE ASLEEP.**—The claimant was employed as a driver. After working on his wagon for several hours in cold weather he came inside and sat down near the boiler to wait until an adjacent